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JOEL H. LEVY  
ROBERT B. JACOBI  
ROY R. RUSSO  
RONALD A. SIEGEL  
LAWRENCE N. COHN  
RICHARD A. HELMICK  
WAYNE COY, JR.  
J. BRIAN DE BOICE

SUSAN V. SACHS  
KEVIN M. GOLDBERG  
JOSEPH M. DI SCIPIO

SUITE 300  
1920 N STREET N.W.  
WASHINGTON, D.C. 20036-1622

TELEPHONE (202) 293-3860  
FACSIMILE (202) 293-4827  
HOMEPAGE WWW.COHNMARKS.COM

OF COUNSEL  
MARCUS COHN  
LEONARD H. MARKS  
STANLEY S. NEUSTADT  
RICHARD M. SCHMIDT, JR.

DIRECT DIAL: (202) 452-4810  
INTERNET ADDRESS: RBJ@cohnmarks.com

September 22, 1999

**RECEIVED**

SEP 22 1999

**VIA HAND DELIVERY**


Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals II  
445 - 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

~~FEDERAL COMMUNICATIONS COMMISSION~~  
OFFICE OF THE SECRETARY

Dear Ms. Salas

Noe Corp., L.L.C., licensee of television station KNOE-TV, Monroe, Louisiana, filed a Petition for Rulemaking requesting the substitution of DTV Channel 7 for its assigned DTV Channel 55 at Monroe, Louisiana. Pursuant to the Noe request, the Commission released a Notice of Proposed Rulemaking on August 3, 1999. On behalf of Noe Corp., L.L.C., there are herewith transmitted an original and four copies of its "Comments" in support of the proposed rulemaking.

Yours very truly

  
Robert B. Jacobi

RBJ:btc

Enclosures

BEFORE THE  
**Federal Communications Commission**

In the Matter of

Amendment of Section 73.622(b),  
Table of Allotments,  
Digital Television Broadcast Stations.  
(Monroe, Louisiana)

MM Docket No. 99-265  
RM-9660

**RECEIVED**

SEP 22 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Video Services Division

**COMMENTS IN SUPPORT OF PROPOSED RULEMAKING**

Noe Corporation, L.L.C. (hereinafter "Noe"), licensee of station KNOE-TV, NTSC Channel 8, Monroe, Louisiana filed a Petition for Rulemaking requesting the substitution of DTV Channel 7 for its assigned DTV Channel 55 at Monroe, Louisiana. Pursuant to the Noe Petition, the Commission issued a Notice of Proposed Rulemaking (Notice of Proposed Rulemaking, Adopted July 30, 1999, DA 99-1525).

Noe supports the proposal to substitute DTV Channel 7 for DTV Channel 55 and hereby states that if DTV Channel 7 is allotted and, if authorized, will promptly implement the proposed allotment change. Copies of the Noe Petition for Rulemaking

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and its Supplement to Petition for Rulemaking are herewith attached in support of its intention to go forward.

Respectfully submitted

NOE CORP., L.L.C.

By: 

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Robert B. Jacobi  
COHN AND MARKS  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036-1622

Its Attorneys

Date: September 22, 1999

BEFORE THE  
**Federal Communications Commission**

In the Matter of )  
 )  
Amendment of Section 73.622 (b), ) RM-  
Digital Television Table of Allotments, )  
(Monroe, Louisiana) )

**RECEIVED**

**NOV 17 1998**

To: Chief, Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**PETITION FOR RULE MAKING**

Noe Corp., L.L.C., licensee of Television Broadcast Station KNOE-TV, Monroe, Louisiana ("Petitioner"), through its attorneys and pursuant to Sections 1.419, 1.420 and 73.623 of the Commission's Rules, hereby requests that the Table of Allotments for Digital Television (DTV) Stations, Section 73.622 (b) of the Commission's Rules, be amended as follows:

| <u>City</u>       | <u>Present</u> | <u>Channel No.</u><br><u>Proposed</u> |
|-------------------|----------------|---------------------------------------|
| Monroe, Louisiana | 55             | 7                                     |

In support of such request, the following is set forth.

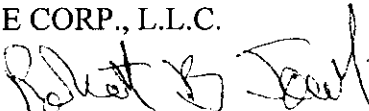
1. Petitioner seeks to substitute DTV Channel 7 in lieu of DTV Channel 55 at Monroe, Louisiana, for use by Station KNOE-TV at the same transmitter site currently used by KNOE-TV for its NTSC operation on Channel 8; DTV Channel 55 was allocated for use by KNOE-TV pursuant to a Sixth Report and Order in MM Docket No. 87-268, 12 FCC Rcd 14588 (1997), recon. granted in part, 13 FCC Rcd 7418 (1998).

2. As set forth in the attached engineering statement of Bernard R. Segal, P.E., the proposed DTV channel substitution is fully consistent with the requirements of Section 73.623 (c) and (d) of the Rules. Specifically, the proposed substitution of DTV Channel 7 at Monroe, Louisiana, would comply with the principal community coverage requirements of Section 73.625 (a) and will not result in more than a two percent (2%) increase in interference to the population served by any other DTV station, DTV allotment or analog TV broadcast station or result in any affected station receiving interference in excess of ten percent (10%) of its population.

3. Accordingly, Petitioner submits that its proposed DTV channel substitution would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to implement the instant petition.

Respectfully submitted

NOE CORP., L.L.C.

By:   
Robert B. Jacobi

COHN AND MARKS  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036

Its Attorneys

November 17, 1998

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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**ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
NOE ENTERPRISES, INC.  
MONROE, LOUISIANA**

The instant Engineering Statement has been prepared on behalf of Noe Enterprises, Inc., licensee of station KNOE-TV, Monroe, Louisiana. Engineering support is provided for a petition to amend the DTV Table of Allotments, Sections 73.622(b) of the Rules. The FCC allotted Ch. 55 for transitional DTV use for KNOE-TV. The instant petition seeks to amend the allotment to Ch. 7.

The proposed Ch. 7 DTV allotment is for operation from the same location as for the current NTSC operation for KNOE-TV. However, as is reflected in a pending application to correct geographic coordinates,\* the reference coordinates currently included in the DTV Table of Allotments are to be changed to 32° 11' 50" North Latitude; 92° 04' 14" West Longitude from the currently specified coordinates of 32° 11' 45" North Latitude; 92° 04' 10" West Longitude. Use of either set of coordinates does not alter the conclusionary results. The reference coordinates, 32° 11' 45" North Latitude; 92° 04' 10" West Longitude, have been used herein.

\*/ File No. BPCT-980304KE

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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Engineering Statement  
Noe Enterprises, Inc., Monroe, Louisiana

Page 2

The antenna radiation center height above average terrain will be 519 meters, corresponding to a radiation center height above mean sea level of 543 meters. Terrain elevations from 3.2-16.1 kilometers along the standard eight radials were obtained from the National Geophysical Data Center 30-second database.

The omni-directional effective radiated power for the new allotment will be 5.0 kW (average).

In compliance with the requirements of Sections 73.623(c), studies are provided which demonstrate that the change in the allotment table as proposed herein satisfies the coverage and allocation criteria of the recited Rule section.

Figure 1 is a map demonstrating the extent of coverage of the 36 dB $\mu$ , F(50,90) contour for the proposed allotment. Figure 2 is a tabulation of terrain elevation data and distances to the 36 dB $\mu$ , F(50,90) contour for the proposed allotment facilities. Figure 1 demonstrates that the entire community of Monroe would be encompassed and the proposed allotment, therefore, complies with the principal community coverage requirement of Section 73.625(a).

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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Engineering Statement  
Noe Enterprises, Inc., Monroe, Louisiana

Page 3

As to allocation concerns, the study provided herein as Figure 3 demonstrates that no NTSC station and no DTV station or allotment would receive interference from the proposed KNOE-DT Ch. 7 facility affecting population in excess of the "de minimis" 2% allowable level and the cumulative interference, where the proposed KNOE-DT facility would cause interference to any NTSC or DTV station, will not exceed the maximum allowable of 10%.

The study of Figure 3 was performed using an FCC matched computer analysis taking into account both NTSC and DTV allocation factors. A computer using an Alpha processor was employed in conjunction with the FCC's FLR software. For each station studied, the reference information from Appendix B of the Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order in MM Docket Number 87-268 is listed in Figure 3 for comparison with the results obtained independently using the Alpha processor with the FCC's FLR software. The independently determined calculation results are in good agreement with the FCC's Appendix B results.



Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

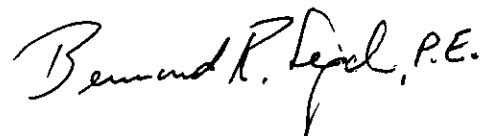
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Engineering Statement  
Noe Enterprises, Inc., Monroe, Louisiana

Page 4

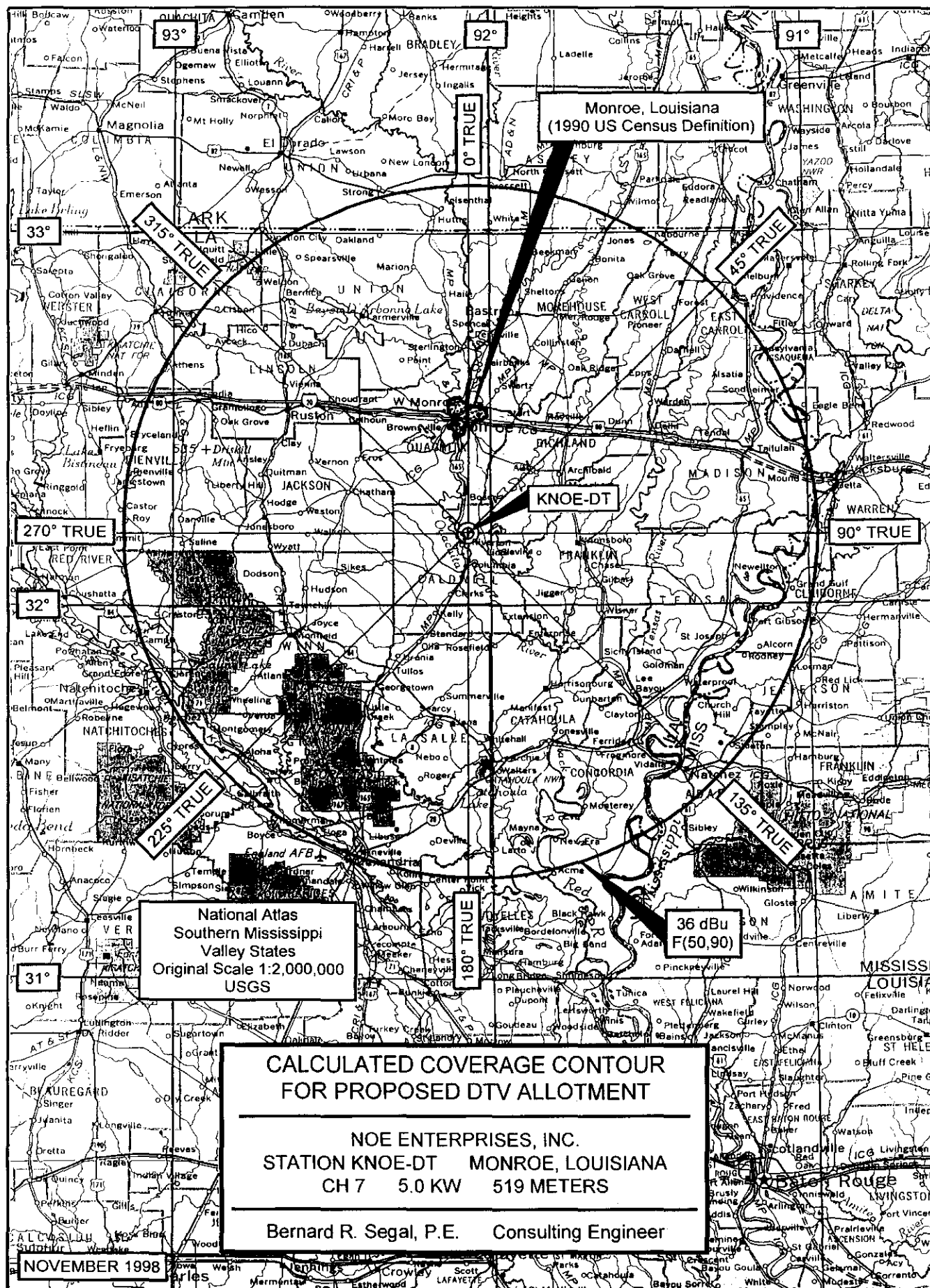
Two studies were performed. The first study took into account the current Appendix B allotment facilities and provided a reference for comparison with the second study which included the effect of the proposed new Ch. 7 DTV allotment for paired use with KNOE-TV. In no instance would the FCC allowable 2% de minimis interference level be exceeded toward any NTSC station or DTV allotment, and in no instance where the proposed KNOE-DT facility would cause interference would the maximum cumulative 10% allowable interference limit be exceeded to any NTSC station or DTV allotment. The proposed allotment satisfies all FCC criteria.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 1998.



Bernard R. Segal, P.E.

Figure 1



**ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
NOE ENTERPRISES, INC.  
MONROE, LOUISIANA**

Proposed Monroe, Louisiana DTV  
Channel 7 5.0 kW 519 m

Tabulation of Average Elevations and Distances  
to the DTV Coverage Contour

Site Coordinates: 32° 11' 45"  
92° 04' 10"

| <u>Azimuth</u><br>(Deg. T.) | <u>3.2-16.1 km</u><br><u>Terrain Average</u><br>(mAMSL) | <u>Rad. Ctr</u><br><u>Above</u><br><u>Terrain Average</u><br>(m) | <u>Distance to</u><br><u>36 dBμ, F(50,90)</u><br><u>DTV Coverage Contour</u><br>(km) |
|-----------------------------|---|--|--|
| 0                           | 18  | 525  | 102.7  |
| 45                          | 14  | 529  | 103.0  |
| 90                          | 13  | 530  | 103.1  |
| 135                         | 13  | 530  | 103.1  |
| 180                         | 26  | 517  | 102.1  |
| 225                         | 46  | 497  | 100.7  |
| 270                         | 43  | 500  | 100.9  |
| 315                         | 22  | 521  | 102.5  |
| Overall average             | 24  | 519  |  |

**ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
NOE ENTERPRISES, INC.  
MONROE, LOUISIANA**

NTSC and DTV Allocation Studies for Proposed KNOE-DT, Allotment  
Ch. 7, 5.0 kW, 519 mAAT

NAD 27 Site Coordinates: 32° 11' 45" North Latitude  
92° 04' 10" West Longitude

Antenna Radiation Center: 543 mAMSL

A: NTSC Allocation Study

| Ch.<br>Relation-<br>ship* | Potentially Affected<br>NTSC Station           | <u>Appendix B Data</u>                |                                   | <u>Independent Calculations</u>       |                                      |   |     |  |     |
|---------------------------|--|---------------------------------------|-----------------------------------|---------------------------------------|--------------------------------------|---|-----|--|-----|
|                           |  | Current<br>Service<br>Pop.<br>(Thous) | Allotted<br>DTV<br>Interf.<br>(%) | Current<br>Service<br>Pop.<br>(Thous) | Noise-<br>Limited<br>Pop.<br>(Thous) | Allotted<br>DTV<br>Interf.<br>(Thous) (%) |     | New<br>Interf.<br>from Prop.<br>KNOE-DT<br>(Thous) (%) |     |
| n-0                       | KATV, Little Rock, AR<br>Ch. 7, 316 kW, 591 m  | 949                                   | 0.0                               | 944                                   | 961                                  | 0   | 0.0 | 4  | 0.4 |
| n-0                       | KPLC, Lake Charles, LA<br>Ch. 7, 316 kW, 451 m | 940                                   | 0.0                               | 940                                   | 951                                  | 0   | 0.0 | 19   | 2.0 |
| n-0                       | WDAM-TV, Laurel, MS<br>Ch. 7, 316 kW, 155 m    | 328                                   | 0.0                               | 328                                   | 329                                  | 0   | 0.0 | 2  | 0.6 |
| n-0                       | KLTV, Tyler, TX<br>Ch. 7, 316 kW, 302 m        | 619                                   | 0.0                               | 611                                   | 686                                  | 0   | 0.0 | 0  | 0.0 |
| n+1                       | KNOE-TV, Monroe, LA<br>Ch. 8, 316 kW, 576 m    | 688                                   | 0.8                               | 673                                   | 714                                  | 2   | 0.3 | 0  | 0.0 |
| n+1                       | WFAA-TV, Dallas, TX<br>Ch. 8, 316 kW, 512 m    | 4,161                                 | 0.0                               | 4,155                                 | 4,223                                | 0   | 0.0 | 0  | 0.0 |

\*n=DTV Ch. 7

B: DTV Allocation Study

|  |  | <u>Appendix B Data</u>  |  |  | <u>Independent Calculations</u>                               |  |   |  |  |
|--|--|---|--|--|---|--|---|--|--|
| <u>Ch.</u><br><u>Relation-</u><br><u>ship*</u> | <u>Potentially Affected</u><br><u>DTV Station</u>                  | <u>DTV</u><br><u>Service</u><br><u>Pop.</u><br><u>(Thous)</u> | <u>NTSC</u><br><u>Service</u><br><u>Pop.</u><br><u>(Thous)</u> | <u>DTV/NTSC</u><br><u>Pop.</u><br><u>Match</u><br><u>(%)</u> | <u>DTV</u><br><u>Service</u><br><u>Pop.</u><br><u>(Thous)</u> | <u>NTSC</u><br><u>Service</u><br><u>Pop.</u><br><u>(Thous)</u> | <u>DTV/</u><br><u>NTSC</u><br><u>Pop.</u><br><u>Match</u><br><u>(%)</u> | <u>New</u><br><u>Interf</u><br><u>from Prop.</u><br><u>KNOE-DT</u><br><u>(Thous)</u> | <u>DTV/</u><br><u>NTSC</u><br><u>Pop.</u><br><u>Match</u><br><u>with Prop.</u><br><u>KNOE-DT</u><br><u>(%)</u> |
| n-0  | Prop. Allotment<br>Monroe, LA<br>Ch. 7, 5.0 kW, 519 m              | —   | —  | —  | 540   | 673  | 80.2  | —  | —  |
| n+1  | Allotment,<br>Lake Charles, LA<br>Ch. 8, 3.2 kW<br>(MAX-DA), 451 m | 749   | 940  | 79.7   | 751   | 940  | 79.9  | 0  | 79.9   |

\*n=DTV Ch. 7

STAMP AND RETURN

1362.

002-  
BROWN

BEFORE THE

# Federal Communications Commission

In the Matter of )

)  
Amendment of Section 73.622 (b),  
Digital Television Table of Allotments, )  
(Monroe, Louisiana) )

RM-

To: Chief, Mass Media Bureau

RECEIVED  
JUL 23 1999  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

## SUPPLEMENT TO PETITION FOR RULE MAKING

Noe Corp., L.L.C., licensee of Television Broadcast Station KNOE-TV, Monroe, Louisiana ("Petitioner"), through its attorneys and pursuant to Sections 1.419, 1.420 and 73.623 of the Commission's Rules, hereby supplements its November 17, 1998, petition for rule making requesting that the Table of Allotments for Digital Television (DTV) Stations, Section 73.622 (b) of the Commission's Rules, be amended as follows:

|                   | <u>Channel No.</u> |                 |
|-------------------|--------------------|-----------------|
| <u>City</u>       | <u>Present</u>     | <u>Proposed</u> |
| Monroe, Louisiana | 55                 | 7               |

In support of such request, the following supplemental information is set forth.

1. Petitioner seeks to substitute DTV Channel 7 in lieu of DTV Channel 55 at Monroe, Louisiana, for use by Station KNOE-TV at the same transmitter site currently used by KNOE-TV for its NTSC operation on Channel 8; Petitioner has demonstrated that DTV Channel 7 can be substituted and allotted to Monroe, Louisiana, as proposed, in compliance with the principal community coverage requirements of Section 73.625 (a) of the Rules and, moreover, is acceptable under the 2 percent and 10

percent criteria for de minimis impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623 (c) (2) of the Rules.

2. The proposed substitution would benefit the public interest for the following reasons. If the Petition for Rule Making is adopted, Petitioner intends to operate DTV Channel 7 with the maximum allotted facilities. However, absent a change in DTV allocation from Channel 55 to Channel 7, Petitioner will not, during the interim DTV transition period, engage in full power DTV operations, but, rather, will operate at low power, providing interim DTV coverage to its city of license and not replicating its existing service area. As set forth in the attached engineering statement of Bernard R. Segal, P.E., an interim DTV operation on Channel 55 in lieu of proposed Channel 7 would provide DTV service to only a 12,210 sq. km area with 244,980 people whereas a full power DTV operation on Channel 7 would provide DTV service to an area of 32,750 sq. km with a population of 500,380; thus, the proposed substitution of Channel 7 would result in interim DTV service to approximately 255,400 more people in a 20,540 sq. km greater area than would operation on the current Channel 55 DTV allocation.

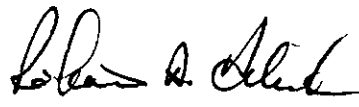
3. The proposed change also will enable Station KNOE-TV to avoid the extra cost of purchasing a UHF transmitter and other equipment which it will not use at the end of the DTV transition period when it reverts back to its current VHF Channel allocation for DTV operations; in the event Channel 7 is allocated for DTV use by Station KNOE-TV, however, KNOE-TV would be able to use the Channel 7 antenna, transmission line and transmitter for auxiliary purposes. Moreover, there are substantially higher operating costs for electrical power usage with a UHF Channel 55 DTV operation which would not be incurred for DTV operation on Channel 7. If Petitioner's proposal to substitute Channel 7 in lieu of Channel 55 for Station KNOE-TV's DTV operations is adopted by the Commission, the resulting capital and operating cost savings will free-up additional resources for Petitioner to invest in providing DTV programming to the public.

4. The Commission, as well as television licensees, are committed to the success of digital television. The success of a DTV station operation is inherently related to viewer acceptance; the larger the audience size, the greater likelihood that viewers will purchase DTV receivers and, further, purchase receivers at an earlier point in time. Petitioner's proposed DTV Channel 7 operations would offer coverage to almost twice as many people in an area almost three times as large as that which would be served by an interim operation on Channel 55. Accordingly, a Channel 7 DTV allocation would better serve to expedite the public's acceptance and conversion to digital television.

5. Accordingly, Petitioner submits that its proposed DTV channel substitution would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to implement the instant petition.

Respectfully submitted

NOE CORP., L.L.C.

By: 

Robert B. Jacobi  
Richard A. Helmick

COHN AND MARKS  
1920 N Street, N.W.  
Suite 300  
Washington, D.C. 20036

Its Attorneys

July 23, 1999



Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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**SUPPLEMENTAL ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
NOE ENTERPRISES, INC.  
MONROE, LOUISIANA**

Noe Enterprises, Inc. (hereafter, Noe) has a petition pending to modify the DTV Table of Allotments to substitute Ch. 7 for Ch. 55 at Monroe, Louisiana. The instant Supplemental Engineering Statement provides additional supporting information for the channel substitution.

The Ch. 55 reservation is for operation with maximum average effective radiated power of 1000 kW and antenna radiation center height above average terrain of 576 meters. According to the table in Appendix B of the Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders, the digital television service that would be provided by station KNOE-DT operating pursuant to the Ch. 55 reservation is to 728,000 persons. However, after the transition, it is Noe's intent to establish its permanent DTV operation on its existing Ch. 8 with whatever power would be required to replicate or exceed its current Ch. 8 NTSC coverage. By that means,

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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Engineering Statement  
Noe Enterprises, Inc., Monroe, Louisiana

Page 2

the present antenna and transmission line could be re-used. The transmitter may have to be replaced or re-furbished for DTV operation.

Given the cost for implementing a 1000 kW facility on Ch. 55 that replicates the current KNOE-TV Grade B service; the temporary nature of the operation; the out of core status of Ch. 55; and the high operating costs compared with the costs for operation on a VHF channel, it makes little sense to expend vast sums of money and energy in implementing a high-powered facility on Ch. 55. If the pending petition to operate on Ch. 7 is unsuccessful, practical considerations dictate that the operation on Ch. 55 be reduced and only sufficient to meet FCC Rule requirements.

The accompanying map, Figure 1S, shows two coverage contours for KNOE-DT. The contour shown in blue is the coverage for a Ch. 55 facility that would provide slightly more than the minimum required service if the petition to substitute Ch. 7 for Ch. 55 does not succeed. The second contour on the map shows the coverage for the proposed Ch. 7 KNOE-DT operation. After the transition, KNOE-DT would be able to utilize the Ch. 7 antenna, transmission line and transmitter as an auxiliary facility on DTV Ch. 8 and would utilize its

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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Engineering Statement  
Noe Enterprises, Inc., Monroe, Louisiana

Page 3

current Ch. 8 equipment, modified as necessary, for its main Ch. 8 DTV operation. Thus, none of the equipment purchased would have to be discarded as would be the case for operation on Ch. 55.

The DTV Ch. 7 coverage contour includes 500,380 persons in an area of 32,750 square kilometers. The Ch. 55 DTV coverage contour includes 244,980 persons in an area of 12,210 square kilometers. Thus, as a practical matter, operation on Ch. 7 during the transition has the potential for serving 255,400 more persons in a 20,540 square kilometer greater area than would be the case if KNOE-DT operated on Ch. 55 during the transition.

The public interest would be better served by KNOE-DT operation on Ch. 7 than on Ch. 55.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 1999.

*Bernard R. Segal, P.E.*

Bernard R. Segal, P.E.

Figure 1S

